



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,508	06/01/2000	Robert E. Bou	30566.73US01	5546

22462 7590 05/12/2003

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER

NGUYEN, LE V

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 05/12/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,508

Applicant(s)

BOU ET AL.

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/23/2003 in an Interview Summary.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 1/27/03.
2. Claims 1-18 are pending in this application. Claims 1, 7 and 13 are independent claims. In Amendment A, claims 1, 7 and 13 were amended. This action is made Final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al. ("Edwards", US 6,459,442 B1) in view of Screen Dumps of Microsoft Windows 4.0 ("MS Win")

As per claim 1, Edwards teaches a computer-implemented method for selecting objects comprising:

displaying a two-dimensional viewport of one or more existing objects maintained within a three-dimensional space represented in a computer-implemented graphics system (fig. 29; col. 12, lines 42-44);

obtaining a selection request from a user using a cursor selection device while locating the cursor in the two-dimensional viewport (col. 12; lines 44-46; *the graphics system keeps track of where the cursor is so that users may manipulate objects*);

examining the existing objects to obtain one or more relationships between the existing objects (col. 12, lines 37-40);

creating one or more virtual objects based on the relationships (col. 14, lines 40-43);

creating a selection set comprised of at least one of the existing objects and at least one of the virtual objects based on the relationships (fig. 17; *selection set comprising of existing object 426d, existing object 426e and virtual object 1702*);

determining if the selection request is for an object in the selection set, and if the selection request is for an object in the selection set, selecting all of the objects in the selection set (fig. 17; *'ab' is grouped to become one entity – user clicks on 'a' and 'ab' is selected, user clicks on 'b' and 'ab' is selected*). Edwards does not specifically disclose the method of selecting objects that are not specifically stroked based on the relationship. MS Win teaches a method of selecting objects that are not specifically stroked based on a relationship (figs. 3-7; *objects 300 and 400 are grouped to become one entity – after mouse clicking on 300(x) and pressing ctrl+clicking on 400(y), user clicks on x and xy is selected, user clicks on y and xy is selected; when users right click on either x or y then select the command "Open" from the Pop-up menu, the "Open" command will be carried out for both x as shown in fig. 7 and y as shown in fig. 6*). Therefore, it would have been obvious to an artisan at the time of the invention to include MS

Win's teaching of a method of selecting objects that are not specifically stroked based on a relationship wherein related objects are grouped using non-stroked means to Edward's method of selecting objects based on the relationship in order to provide users with an alternative method in selecting.

As per claim 2, Edwards teaches a computer-implemented method wherein at least two of the existing objects are line segments and at least one of the virtual objects is a connector connecting the two line segments (col.13, lines 15-20).

As per claim 3, Edwards teaches a computer-implemented method wherein the cursor is located between the two line segments when the selection request is obtained (fig. 17, element 426f).

As per claim 4, Edwards teaches a computer-implemented method wherein the relationships are based on a placement of the existing objects (col. 8 lines 30-32).

As per claim 5, Edwards teaches a computer-implemented method wherein the relationships are based on similarities between the existing objects (col. 7, lines 9-11).

As per claim 6, Edwards teaches a computer-implemented method comprising replying to a query using the objects in the selection set (col. 6, lines 34-38; *user's input in the form of freeform strokes is returned in the form of a collection of handwriting style strokes*).

Claims 7 and 13 are similar in scope to claim 1 and are therefore rejected under similar rational.

Claims 8 and 14 are similar in scope to claim 2 and are therefore rejected under similar rational.

Claims 9 and 15 are similar in scope to claim 3 and are therefore rejected under similar rational.

Claims 10 and 16 are similar in scope to claim 4 and are therefore rejected under similar rational.

Claims 11 and 17 are similar in scope to claim 5 and are therefore rejected under similar rational.

Claims 12 and 18 are similar in scope to claim 6 and are therefore rejected under similar rational.

Response to Arguments

5. Applicants' arguments in Amendment A have been fully considered but they are not persuasive.

Applicants argued the following:

Edwards fails to teach a virtual object and in particular creating a virtual object based on a relationship between two existing objects.

The examiner disagrees for the following reasons:

Edwards teaches how users' create one or more objects based on relationships by bounding a region to let the system know users' intent to create objects wherein the objects may be 3D virtual objects (col. 14, lines 40-43; col. 12, lines 42-44). Furthermore, Edwards teaches how to create a virtual object based on a relationship between two existing objects, as evident in fig. 17 wherein users may not select 'a' without 'b' also being selected and vice versa after the relationship has been established.

Applicant's other arguments with respect to claim 1, 7 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Regarding objects “that are not specifically stroked”, the Applicant argues that Edward fails to teach a virtual object that is not specifically stroked. Argument(s) are addressed and rejected under “Claim Rejections - 35 USC § 103” as presented above due to new issue.

Conclusion

6. Applicants’ amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.13(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no even, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lê Nguyen whose telephone number is (703) 305-7601. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

Art Unit: 2174

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lê Nguyen
Patent Examiner
May 5, 2003

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100